



JP 22-23:04 Correcting & Clarifying Conflicting Codes

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SECTION 1: ASuop Representation in a Supreme Court Case

In the event of a Supreme Court case that requires ASuop to be represented, Article V Section 6 of the ASuop Constitution states:

“The President shall represent the ASuop in all cases brought against the ASuop in the Supreme Court.”

The Court finds that Bylaw 403.5 (i) comes into direct conflict with the Constitution by including the following:

“If it becomes necessary, the Ethics Committee shall appoint a representative from within the Ethics Committee to represent ASuop in a Supreme Court case.”

The ASuop Constitution supersedes any and all ASuop Bylaws and so the selected section of Bylaw 403.5 (i) must be considered null and void.

Bylaw 403.5 (i) should now be read as:

“The Senate Ethics Committee shall have jurisdiction over all issues related to conduct and ethics within all three branches of ASuop. All charges of impeachment must originate within this committee.”

The Court would like to note that the entirety of Bylaw 403.5 (i) is still subject to further constitutional review as outlined in JP 22-23:03.

SECTION 2: Impeachment Trial Process

In accordance with Article VI Sec. 5 of our

Constitution stating the Court's authority, "To try cases of impeachment brought forth by the Senate related to members of the executive or legislative branches, and render verdicts for such" the Court has decided to amend our Bylaws clarifying the impeachment trial process of executive and legislative officers.

The Court shall amend Section 606.1 to include section (v) which reads as:

- (v) An Article of Impeachment approved by the Senate shall immediately initiate a formal trial upon its passage which will follow the case process.

The Court shall treat an Article of Impeachment passed by the Senate as initial contact for the Court's case process. The trial process shall remain the same as our standard case process outlined in the Judicial Bylaws.

The Court shall amend Section 606.2 to include section (iv) which reads as:

- (iv) In an impeachment case, the Official Decision may include sanctions against the Respondent.

This addition is to clarify that sanctions shall be included in the Official Decision portion of the case process.

SECTION 3: Correction of Conflicting Bylaws

The Supreme Court declares that all laws in conflict with JP 22-23:01 Revised Judicial Bylaws and JP 22-23:02 Judicial Review of SB 21-22:01 are hereby declared null and void.

Thus, Section 102.2 of the Bylaws will be amended to read as follows:

- 102.2** Maintenance of the Amendments to the Bylaws

- (i) Consistent with sections 100.7 and 603.5 of these Bylaws, the Supreme Court shall have the responsibility of incorporating all amendments made to the Bylaws.
 - (1) The Court shall be responsible for incorporating approved amendments arising from Executive Orders, Judicial Proclamations, and/or Senate Bills within ten (10) business days with reasonable accommodations for University holidays or breaks.
- (ii) An official copy of the ASuop Bylaws with the finalized incorporations must be made available within five (5) days of the incorporation of new updates to all officers of ASuop.
- (iii) Once the Vice President, or the Vice President's designee, has received this official copy of the ASuop Bylaws, they shall make sure the Bylaws are available on the ASuop Website.

Additionally, for the sake of clarity and full enumeration of the Court's responsibilities within Article VI, the Court has also decided to add Section 603.5, which will read as follows:

- 603.5 Maintenance of the Bylaws
- (i) Consistent with sections 100.7 and 102.2 of these Bylaws, the Supreme Court will be responsible for maintaining and incorporating all amendments made to the Bylaws.

SECTION 4:

All laws in conflict with this legislation are hereby declared null and void.

These changes shall take effect immediately upon signing.

Respectfully Submitted,



Reese Romero, Chief Justice of the ASuop Supreme Court

11/11/22

Date



Ainsley Berryhill, Associate Justice of the ASuop Supreme Court

11/11/22

Date



Namorrah Ward, Associate Justice of the ASuop Supreme Court

11/11/22

Date